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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,878	01/17/2001	Takahiko Kawashima	826.1664	4982

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EXAMINER

ZURITA, JAMES H

ART UNIT PAPER NUMBER

3625

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action **Before the Filing of an Appeal Brief**

Application No.

09/760,878

Applicant(s)

KAWASHIMA ET AL.

Examiner

James H. Zurita

Art Unit

3625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12/02/05 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 2 and 4-14.
Claim(s) withdrawn from consideration: 15.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


JOHN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 3. NOTE: amendment does not overcome 112 rejections errors in specification not corrected; arguments concerning 103 rejection are not persuasive .

Continuation of 11. does NOT place the application in condition for allowance because: request for reconsideration are not persuasive; arguments concerning structure data do not overcome 112 first rejection, explained in final rejection; see attached comments concerning errors in specification..

ADVISORY ACTION

Applicant argues that the specifications do not contain errors. The examiner respectfully disagrees and provides several examples:

Paragraph 0036

On page 2 of his after-final amendment, applicant makes the following request:

Please amend paragraph [0036], in accordance with the following:

When XML is used, the definitions of types of information that are to be considered as management data can be easily changed. Thus, when a company section code is required to be included as management data, the company section code is extracted from transaction slip data as document data described in the XML corresponding to a tag of the XML and can be easily stored as management data. Thus, the supervisor of the system can easily change the content of management data. As a result, the supervisor can manage transaction slip data corresponding to a request of the user of the system according to an embodiment of the present invention.

In fact, paragraph 0036, substitute specifications of 03/29/05, follows:

Docket No.: 828.1664

[0036] The system shown in Fig. 7 comprises an order issuer browser 11, an order acceptor browser 12, an order issuer server device 14, a database device 17, an order acceptor server device 16, a database device 18, Internet 13, and a network 15. The database device 17 is connected to the order issuer server device 14. The database device 18 is connected to the order acceptor server device 16. The Internet 13 is a network that connects the order issuer browser 11 and the order issuer server device 14 and that connects the order acceptor browser 12 and the order acceptor server device 16. The network 15 connects the order issuer server device 14 and the order acceptor server device 16.

The text that Applicant believes is found in paragraph 0036 is actually found in paragraph [0060], page 12 of the substitute specifications:

[0060] When XML is used, the definitions of types of information that are management data can be easily changed. Thus, when a company section code is required to be included as management data, the company section code is extracted from transaction slip data as document data described in the XML corresponding to a tag of the XML and can be easily stored as management data. Thus, the supervisor of the system can easily change the content of management data. As a result, the supervisor can manage transaction slip data

Paragraph 0036 has never contained text that reads "When XML is used..."

Paragraph 0038

Applicant argues, pages 11-12, that paragraph **0038** of the specification describes Fig. 16:

Applicants point out that paragraph [0038] of the specification describes FIG. 16 as illustrating

(a) CPU 1502 is connected to a ROM 1503, a RAM 1504, a communication interface 1505, a recording device 1508, a record medium reading device 1509, and an inputting/outputting device 1511. Management data, transaction slip data, conversion table, transfer destination table, and so forth are stored to the recording device 1508 such as a hard disk.

(Emphasis added).

In fact, paragraph **0038**, substitute specifications of 03/29/05, page 8, follows:

[0038] Next, an order issuing process and an order receiving process of the system shown in Fig. 7 will be described. In the order issuing process, an order is issued and transmitted by the order issuer browser 11. In the order receiving process, an order is received and accepted by the order acceptor browser 12.

The text that Applicant believes is found in paragraph **0038** is actually found in paragraph **[0062]**, page 13 of the substitute specifications.

To further the confusion, on page 2 of his after-final amendment, applicant makes the following request:

Please amend paragraph [0062], in accordance with the following:

A CPU 1502 is connected to a ROM 1503, a RAM 1504, a communication interface 1505, a receiving unit 1599, a recording device 1508, a record medium reading device 1509, and an inputting/outputting device 1511. Management data, transaction slip data, conversion table, transfer destination table, and so forth are stored to the recording device 1508 such as a hard disk or a portable record medium 1510 such as a CD-ROM, a DVD, or a floppy disk. Data

Paragraph **0038** has never contained the text "...A CPU 1502..."

The above are only two examples of problems found in the specifications. There are multiple other references to incorrect paragraph numbers. The Examiner respectfully submits that he is not able to depend on applicant's citations.

Applicant is encouraged to review the application for similar errors.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Zurita
Patent Examiner
Art Unit 3625
5 December 2005

JZ